

VZCZCXRO2538
OO RUEHBC RUEHDE RUEHKUK RUEHROV
DE RUEHLB #0465/01 0941551
ZNY CCCCC ZZH
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FM AMEMBASSY BEIRUT
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1424
INFO RUEHEE/ARAB LEAGUE COLLECTIVE PRIORITY
RUEHROV/AMEMBASSY VATICAN PRIORITY 1140
RHMFISS/HQ USEUCOM VAIHINGEN GE PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2097
RUEHNO/USMISSION USNATO PRIORITY 2365
RHEHNSC/NSC WASHDC PRIORITY
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BEIRUT 000465

SIPDIS

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DEPT FOR NEA/FO, NEA/ELA, NEA/IPA, PRM/FO, AND PM/FO
NSC FOR ABRAMS/SINGH/YERGER
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E.O. 12958: DECL: 04/02/2018
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SUBJECT: LEBANON: JUSTICE MINISTER'S PLEA TO BELLEMARE:
DON'T LEAVE LEBANON OUT IN THE COLD

REF: BEIRUT 410

BEIRUT 00000465 001.2 OF 003

Classified By: CDA Michele J. Sison for reasons
section 1.4 (b) and (d).

SUMMARY

¶1. (C). Justice Minister Charles Rizk warned of mounting pressures to release the four generals held in connection with the assassination of former PM Rafiq Hariri. He stressed the need for UNIIIC Commissioner Bellemare to reaffirm former Commissioner Mehlis' recommendation that the GOL detain them. Rizk, clearly disappointed with Bellemare's recent report to the United Nations, criticized his efforts to extend UNIIIC's mandate, accusing him of leaving Lebanon "out in the cold."

¶2. (C) Rizk also discussed his own efforts to enable Lebanese abroad to vote, which he deemed an indispensable political tool, and one which would benefit the Christians in particular. On cabinet expansion, Rizk blamed PM Siniora's hesitation, the Patriarch's indecisiveness, and Lebanese Forces leader Samir Geagea's petty partisan jealousies as hindering the appointment of a Maronite to replace assassinated Industry Minister Pierre Gemayel. End summary.

FEARS OF MOUNTING PRESSURES
TO RELEASE FOUR GENERALS

¶3. (C) Charge Sison, accompanied by Pol/Econ Chief, met with Justice Minister Charles Rizk at his home in Ashrafieh on April 3. Noting recent statements by members of the opposition Zahle bloc and Hizballah calling for the release of the four generals detained in connection with the assassination of former PM Rafiq Hariri, Rizk said pressure was mounting on the GOL, including threats against the investigative judges, for their release. The GOL had already replaced one judge, Elias Eid, when he started caving in to the pressure, and could not afford to dismiss another one. Judge Saqr Saqr, who seemed to be holding firm for the moment, might eventually succumb by liberating one or two of the generals, he warned. Not only would this be a big

problem for the Special Tribunal, but it would also be a blow to the independence of Lebanon's judiciary.

¶4. (C) Rizk revealed that Druze leader Walid Jumblatt had warned him recently that Said Mirza, the Public Prosecutor, had expressed his fears to Information Minister Ghazi Aridi (one of Jumblatt's Druze), indicating that Mirza was preparing the grounds for the generals' release. Mirza reportedly was trying to put on a tough face, but was obviously feeling the pressure.

¶5. (C) Part of the problem, Rizk said, was that Former UNIIIC Commissioner Mehlis made the mistake of writing to the generals' lawyers stating that their detainment was a matter of Lebanese jurisdiction. Using what Rizk termed the "guise" of the law, the lawyers were arguing that the GOL had no right to detain the generals further, particularly in light of UNIIIC Commissioner Bellemare's recent report.

¶6. (C) Brammertz and Bellemare were going in the opposite direction, after an initial good start by their predecessor, Mehlis, Rizk said. By stressing in his first report to the UN the need for additional resources, Bellemare was implying that Brammertz had not done enough. Bellemare had told Rizk that he would be more "comfortable" if UNIIIC's mandate was extended for six months. But, Rizk stressed, the Special Tribunal is the "number one" political issue in Lebanon, and any hiccup will have extremely negative consequences. Bellemare should not leave us out in the cold while he is trying to get comfortable, he insisted.

¶7. (C) Rizk believed Bellemare was not yet ready to assume his role as prosecutor. As prosecutor, Bellemare could take the "brunt" of the responsibility for the four generals. The Lebanese judges have been carrying this burden for three years and would not be able to carry this burden much longer,

BEIRUT 00000465 002.2 OF 003

he warned.

REGISTERING LEBANESE ABROAD TO VOTE

¶8. (C) Rizk again stressed the political impact of registering the 2,000 Lebanese citizens abroad who are eligible to vote, saying it would be "irresponsible" not to do it. He shared with the Ambassador the skeletal text of a legal document he plans to present to PM Siniora on registering Lebanese citizens abroad to vote (see post's translation in paragraph 16, below). Rizk had shared the draft text with Judge Choukri Sadr and President of the Higher Council for Justice Antoine Khair for their legal opinions, as well as to Jean Gicquel, a French constitutional law expert, and hoped to have the results in a month to put some "muscle" on the document before presenting it to Siniora.

¶9. (C) Rizk said there was no need for a law to implement measures to register Lebanese citizens abroad, and the cabinet could simply decide to do it. However, he wanted to surprise Siniora with a completed "unassailable" proposal to prevent the prime minister from finding objections. The issue was popular among Lebanese Christians, who made up the majority of those abroad eligible to vote, and Siniora needed to take it seriously.

¶10. (C) Rizk, who met with members of Lebanese associations in Brazil and Argentina during his recent trip to South America, said he was encouraging individual citizens to write in their individual capacity to the government demanding their right to vote. Lebanese emigres are split between the majority and opposition, he explained, and he did not want the letter writing campaign to be perceived as a partisan effort.

SINIORA, GEAGEA, PATRIARCH

COMPLICATING CABINET EXPANSION

¶11. (C) Rizk blamed both PM Siniora and Patriarch Sfeir for the delay in replacing assassinated Minister of Industry Pierre Gemayel. Siniora, he said, was waiting to hear from other Arab countries, especially Saudi Arabia, while the Patriarch was displaying his usual indecisiveness. Rizk further blamed Social Affairs Minister Nayla Mouawad for stirring up the pot when she told the cabinet, prior to the Arab League Summit, that the Patriarch wanted Amine Gemayel to replace his son so that Gemayel, a Maronite, could represent Lebanon at the summit.

¶12. (C) This, Rizk said, made Lebanese Forces "crazy," since they would not want to see Gemayel in the cabinet. (Note: Lebanese Forces leader Samir Geagea no doubt has his own cabinet aspirations. Until Pierre's death, Lebanese Forces and Phalange each held one cabinet seat; increasing Phalange's profile by appointing Amine, a former president, would, in Geagea's eyes, increase Phalange's cabinet role at the expense of Lebanese Forces. End note.) The Patriarch denied Mouawad's contention in a subsequent meeting with him, Rizk said, but there was nevertheless truth to the tale that March 14 was split over the issue, with many fearing Geagea's reaction. Rizk dismissed as "nonsense" the Patriarch's suggestion that the entire cabinet be replaced.

COMMENT

¶13. (C) Rizk's leitmotiv, as usual, was that the Special Tribunal is the only big stick Lebanon has to use against Syria. His concerns about the release of the four generals are not new, but Bellemare's recent report seems to have added fuel to the fire. Rizk's expectations (and those of many others here, despite our efforts to temper them) had been that the Tribunal would issue indictments before the end of the summer, and the report has clearly crushed any hopes he may have had.

¶14. (C) We should use Bellemare's upcoming trip to Washington

BEIRUT 00000465 003.2 OF 003

to stress the need for UNIIIC to reassure the Lebanese that the Tribunal process is moving forward steadily and is irreversible. Bellemare has been reluctant to get into the public limelight here, with the resulting perception that UNIIIC is a paper tiger, a perception reenforced by his recent report, which the opposition is easily exploiting to its advantage. By comparison, the relatively frequent comments to the media about the Tribunal by UN U/S for Legal Affairs Nicola Michel have received wide coverage and been helpful.

¶15. (C) Assuming Bellemare is unable to don his prosecutor's hat until such time as the Tribunal itself is fully operation, we should encourage him, at a minimum, to reinforce Mehlis' earlier stamp of approval for the detention of the four generals. Their release would have an immediate and palpable political impact in Lebanon, which should be avoided at all costs. End Comment.

¶16. (C) Rough Embassy translation of Rizk's proposal follows:

Subject: The legal mechanism that enables the Lebanese residing abroad to exercise their voting rights through the Lebanese missions abroad.

Whereas the right of the Lebanese to vote has been endorsed in the Lebanese Constitution and the Human Rights International Declaration that the Lebanese Constitution's introduction has obligated Lebanon to commit to,

Whereas article 21 of the Human Rights International Declaration granted the right to each person to participate

in managing his/her country's public affairs, either directly or through representatives chosen freely, and in which it stipulates that the people's will is the source of the government's authority, and one can express his/her will through free periodic elections based on secret and equal voting system or based on any similar procedure that provides the freedom in voting,

Whereas the right of any Lebanese to vote regardless of his whereabouts, is an international and constitutional right that can be exercised as any other constitutional right according to legal conditions,

Whereas the parliamentary elections law did not refer to the voting right mechanism for Lebanese residing abroad and did not deny them this right, which it could not have denied them because if it did so it would have been a violation of the Constitution and the International Human Rights Declaration,

Whereas Article 73 of the parliamentary elections law stipulates that the details of the implementation of this law should be specified in accordance to cabinet decrees upon the request of the minister of interior,

Whereas Article 73 has left the "door open" for the executive authority which is entrusted with implementing the laws, to identify the mechanism for allowing the Lebanese, holders of the Lebanese nationality, to exercise their Constitutional and international right of voting in accordance with a decree issued by the cabinet upon the request of the minister of interior,

Therefore, the committee presents its advice according to the above-mentioned.

Beirut

Head of the Legislative and Legal Advice Committee
Ministry of Justice

Judge Choukri Sader
SISON